

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

THIRTY-SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 7, 2008

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burkett and Davis, absent and formally excused by the Chair; and Senators Cameron, McKenzie, and Siddoway, absent and excused.

Prayer was offered by Senator Fulcher.

The Pledge of Allegiance was led by Jordan Lierz, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 6, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions and Memorials

Senator Siddoway was recorded present at this order of business.

SCR 126

BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF HEALTH AND WELFARE PERTAINING TO RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare pertaining to Rules Governing Temporary Assistance for Families in Idaho are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.08, Department of Health and Welfare, Rules Governing Temporary Assistance for Families in Idaho, adopted as pending rules under Docket Number 16-0308-0701, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 126 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 7, 2008

The JUDICIARY AND RULES Committee reports that **S 1378, S 1379, S 1380, S 1381, and S 1382** have been correctly printed.

DARRINGTON, Chairman

S 1378 and **S 1379** were referred to the Transportation Committee.

S 1380 was referred to the Commerce and Human Resources Committee.

S 1381 and **S 1382** were referred to the State Affairs Committee.

February 6, 2008

The JUDICIARY AND RULES Committee reports that **S 1259** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1259**, and ordered it transmitted to the House for the signature of the Speaker.

February 6, 2008

The JUDICIARY AND RULES Committee reports out **S 1355, S 1356, and S 1372** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1355, S 1356, and S 1372 were filed for second reading.

February 6, 2008

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Cameron Wheeler to the Idaho Fish and Game Commission, term to expire June 30, 2011;

Fred Trevey to the Idaho Fish and Game Commission,, term to expire June 30, 2011;

Jim Yost to the Northwest Power and Conservation Council, term to expire January 15, 2009;

Latham Williams to the Department of Park and Recreation Board, term to expire June 30, 2013.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2008

The HEALTH AND WELFARE Committee reports out **S 1363** with the recommendation that it do pass.

LODGE, Chairman

S 1363 was filed for second reading.

February 6, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 359** with the recommendation that it do pass.

HILL, Chairman

H 359 was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 6, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tim Ridinger of Shoshone, Idaho, was appointed as a member of the Idaho State Racing Commission to serve a term commencing January 18, 2008, and expiring January 15, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 6, 2008

Mr. President:

I transmit herewith **H 390, H 428, H 353, H 381, H 419, H 420, H 364, H 352,** and **HCR 36** which have passed the House.

ALEXANDER, Chief Clerk

H 390, H 428, H 353, H 381, H 419, H 420, H 364, H 352, and **HCR 36** were filed for first reading.

February 6, 2008

Mr. President:

I transmit herewith Enrolled **H 340** and **H 342** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **H 340** and **H 342** and ordered them returned to the House.

February 6, 2008

Mr. President:

I return herewith **SJM 108** which has passed the House.

ALEXANDER, Chief Clerk

SJM 108 was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President Pro Tempore announced the Transportation Committee report relative to the Gubernatorial appointment of Scott W. Patrick was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Fulcher, seconded by Senator Langhorst, the Gubernatorial appointment of Scott W. Patrick as a member of the Aeronautics Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Royce Chigbrow was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKague, seconded by Senator Bilyeu, the Gubernatorial appointment of Royce Chigbrow as a member of the State Tax Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the Education Committee report relative to the Gubernatorial appointments of Brad Corkill, Gayann DeMordaunt, and Esther VanWart was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Acting Senator Sagness, the Gubernatorial appointment of Brad Corkill as a member of the Public Charter School Commission was confirmed by voice vote.

On motion by Senator Bastian, seconded by Senator Stegner, the Gubernatorial appointment of Gayann DeMordaunt as a member of the Public Charter School Commission was confirmed by voice vote.

On motion by Acting Senator Sagness, seconded by Senator Goedde, the Gubernatorial appointment of Esther VanWart as a member of the Public Charter School Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the State Affairs Committee report relative to the Gubernatorial appointment of Wayne Hammon was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McGee, seconded by Senator Langhorst, the Gubernatorial appointment of Wayne Hammon as Administrator of the Division of Financial Management was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Stegner, granted by unanimous consent, **SCR 125** retained its place on the Third Reading Calendar for Monday, February 11, 2008.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1383

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO GUARDIANS OF MINORS; AMENDING SECTION 15-5-206, IDAHO CODE, TO REVISE THE QUALIFICATIONS FOR A COURT APPOINTED GUARDIAN OF A MINOR; AND AMENDING SECTION 15-5-209, IDAHO CODE, TO PROVIDE AN ADDITIONAL POWER AND DUTY OF A GUARDIAN OF A MINOR AND TO MAKE TECHNICAL CORRECTIONS.

S 1384

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PUBLIC HEALTH DISTRICT BOARDS; AMENDING SECTION 39-414, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF DISTRICT BOARDS OF HEALTH.

S 1385

**BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE**

AN ACT

RELATING TO DISPOSAL OF COUNTY PROPERTY; AMENDING SECTION 31-808, IDAHO CODE, TO REVISE PROVISIONS AND PROCEDURES FOR DISPOSAL OF TAX DEEDED PROPERTY BY A COUNTY, TO REVISE PROCEDURES FOR NOTICE TO ALL PARTIES IN INTEREST AND TO PROVIDE PROCEDURES FOR HOLDING AND DISPOSING OF EXCESS FUNDS; AMENDING SECTION 63-1005, IDAHO CODE, TO SHORTEN THE PERIOD OF TIME WHEN THERE IS A DELINQUENCY ON REAL PROPERTY BEFORE A TAX DEED IS MADE FOR SUCH PROPERTY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1386

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PRIOR AUTHORIZATION OF MEDICATIONS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 56-258, 56-259 AND 56-260, IDAHO CODE, TO PROVIDE FOR THE PHARMACY AND THERAPEUTICS COMMITTEE, TO PROVIDE FOR EXEMPTION AND EXCEPTIONS TO PRIOR AUTHORIZATION OF MEDICATIONS AND TO PROVIDE FOR APPLICATION.

S 1383, S 1384, S 1385, and S 1386 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 390, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 428, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 353 and H 381, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 419, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 420, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 364, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 352, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

HCR 36, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1359, by Transportation Committee, was read the second time at length and filed for third reading.

H 356, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 349, by State Affairs Committee, was read the second time at length and filed for third reading.

H 357 and H 358, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1311 and S 1257, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

H 430, by Appropriations Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Stegner, granted by unanimous consent, **H 355**, having been held, retained its place on the Third Reading Calendar.

S 1251 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Broadsword and Bilyeu arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, Davis, McKenzie. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1251** passed, title was approved, and the bill ordered transmitted to the House.

S 1253 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, Davis, McKenzie. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1253** passed, title was approved, and the bill ordered transmitted to the House.

S 1349 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, Davis, McKenzie. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1349** passed, title was approved, and the bill ordered transmitted to the House.

S 1322 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, Davis, McKenzie. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1322** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Kelly, by voice vote the Senate adjourned at 12:09 p.m. until the hour of 11 a.m., Friday, February 8, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary